

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5025 of 1993

with

SP. C.A. Nos 1550/92, 5147/90, 4718/94, 8286/93,
3459/96, 8100/96, 5404/91 and 540/92.

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

TAKHATSINH C CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioners

MR DA BAMBHANIA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/04/97

ORAL JUDGEMENT

1. All these Special Civil Applications proceed on the common facts and grounds, and as such, on the request of the counsel for the parties, they are taken for

decision together and are being disposed of by this common order.

2. The learned counsel for the petitioners submitted that these matters are squarely covered by the decision given by this Court in the identical matters. The zerox copy of the judgment of this Court is also filed by the learned counsel for the petitioners. Those are the Special Civil Applications No.4565, 4575, 4678 and 4680 of 1995 decided on 4-3-1996 and Special Civil Application No.8590 of 1996 decided on 11-3-1997. It has further been urged by the counsel for the petitioners that this Court has decided the Special Civil Application No.3987 of 1989, which is an identical matter, on 8-4-1997, relying on the decision given earlier by this Court in other identical matters.

3. The learned counsel for the respondents does not dispute this fact. However, the learned counsel for the respondents contended that the judgment of this Court given in earlier matter has been taken by Government in L.P.A., which is pending. It is not the case of the counsel for the respondents that the L.P.A. is admitted or the judgment is stayed or it has been reversed. Merely because the earlier decision has been taken in L.P.A., I fail to see any justification in the request of the counsel for the respondents that these matters may be ordered to be kept pending. As these matters are squarely covered by the judgment of this Court, then they have to be decided on the same lines to the decision given by this Court earlier in identical matters.

4. The Special Civil Application No.3987 of 1989 was disposed of on the consent of the parties on the same lines to the order which has been passed by this Court in Special Civil Application No.2397 of 1995 on 21st March, 1997. All these Special Civil Applications are also disposed of in the same terms.

5. In the result, these Special Civil Applications are disposed of in the terms that the Government resolution dated 17th October, 1988 is applicable to the employees of the Forest Department as well and they are entitled to the benefit under the aforesaid Government Resolution for the period from 1-10-1988 i.e. the date from which the Resolution was made effective and onwards and the amount which may be found due shall be examined and calculated in each and every case and shall be paid to the petitioners at the earliest possible opportunity, but not later than 31st July, 1997.

6. The learned counsel for the petitioners has not pressed any other contention in these matters. All these Special Civil Applications and Rule, therein, stands disposed of in the aforesaid terms with no order as to costs.

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